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14 Securities Corporation; CWALT, Inc.; CWABS, Inc.,
CWHEQ, Inc., CWMBBS, Inc., and N. Joshua Adler

15 *[Additional Counsel on Signature Page]*
16

17 UNITED STATES DISTRICT COURT

18 CENTRAL DISTRICT OF CALIFORNIA
19

20
21 In re COUNTRYWIDE FINANCIAL
CORP. MORTGAGE-BACKED
22 SECURITIES LITIGATION CASES

Case No. 11-ML-02265-MRP (MANx)

23 **STIPULATION REGARDING
SCHEDULE FOR MOTIONS TO
DISMISS PENDING CASES**

24 Courtroom: 12
Judge: Hon. Mariana R. Pfaelzer
25
26
27
28

1 PUTNAM BANK, Individually and
2 on Behalf of All Others Similarly
3 Situated,

Plaintiff,

4 v.

5 COUNTRYWIDE FINANCIAL
6 CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-04698-MRP (MANx)

7 BANKERS INSURANCE
8 COMPANY, *et al.*,

9 Plaintiffs,

10 v.

11 COUNTRYWIDE FINANCIAL
12 CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07152-MRP (MANx)

13 THRIVENT FINANCIAL FOR
14 LUTHERANS, *et al.*

15 Plaintiff,

16 v.

17 COUNTRYWIDE FINANCIAL
18 CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07154-MRP (MANx)

19 STERLING FEDERAL BANK,
20 F.S.B.,

21 Plaintiff,

22 v.

23 COUNTRYWIDE FINANCIAL
24 CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07163-MRP (MANx)

DEXIA HOLDINGS, INC., *et al.*,

Plaintiffs,

v.

COUNTRYWIDE FINANCIAL
CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07165-MRP (MANx)

WESTERN AND SOUTHERN LIFE
INSURANCE COMPANY, *et al.*,

Plaintiffs,

v.

COUNTRYWIDE FINANCIAL
CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07166-MRP (MANx)

AMERICAN FIDELITY
ASSURANCE COMPANY

Plaintiff,

v.

COUNTRYWIDE FINANCIAL
CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07167-MRP (MANx)

1 WHEREAS, on September 29, 2011, this Court held a status conference in
2 the above-captioned matters, at which the Court and the parties discussed proposals
3 for briefing motions to dismiss the complaints in the above-captioned matters;

4 WHEREAS, at the status conference, this Court directed that the parties
5 confer regarding scheduling and briefing of the motions to dismiss the complaints in
6 the above-captioned matters and submit a stipulation and proposed order to the
7 Court no later than October 7, 2011, which date was extended by the Court to
8 October 12, 2011;

9 WHEREAS, the parties conferred in compliance with the Court's direction
10 and submitted a Joint Statement Regarding Scheduling for Motions to Dismiss
11 Pending Cases (the "Joint Statement") on October 12, 2011;

12 WHEREAS, at the status conference on October 17, 2011 in *Putnam Bank v.*
13 *Countrywide Financial Corporation*, No. 11-CV-04698-MRP (MANx), the Court
14 directed the parties to confer further and submit by October 21, 2011 a stipulation
15 and proposed order regarding scheduling and briefing of the motions to dismiss the
16 complaints in the above-captioned matters; and

17 WHEREAS, the Court specifically instructed the parties to agree to a
18 schedule on the motions to dismiss in the cases yet to be briefed that deals with the
19 threshold statute of limitations and jurisdiction issues first, and that is 20 to 30 days
20 shorter than the schedule that the Countrywide Defendants proposed in the Joint
21 Statement,

22 NOW THEREFORE, the parties hereby stipulate as follows:

23 **CASE WITH FULLY BRIEFED MOTIONS TO DISMISS**

24 1. This section applies to *Dexia Holdings, Inc., et al. v. Countrywide*
25 *Financial Corporation, et al.*, Case No. 11-CV-07165-MRP (MANx) ("*Dexia*").

26 2. The parties acknowledge that prior to transfer of the *Dexia* action to
27 this Court, Plaintiffs' motion to remand *Dexia* and Defendants' motions to dismiss
28

1 *Dexia* had both been fully briefed. The Individual Defendants request, and the
2 *Dexia* Plaintiffs do not oppose, that the affidavits in support of the motions to
3 dismiss submitted by the individual defendants prior to transfer shall be considered,
4 along with the Defendants' joint filings, as the individual defendants' motions to
5 dismiss and memoranda in support thereof.

6 3. The parties agree that supplemental briefs will assist the Court in
7 deciding the issues presented by Plaintiffs' motion to remand.

8 4. Accordingly, no later than October 28, 2011, Plaintiffs and Defendants
9 may serve and file supplemental briefs not exceeding 10 pages per side in support of
10 or in opposition to the pending motion to remand.

11 5. The hearing on Plaintiffs' motion to remand shall be on November 10,
12 2011. Should the Court deny the motion to remand, the hearing on Defendants'
13 motions to dismiss shall be on January 26, 2012.

14 **CASE WITH PARTIALLY BRIEFED MOTIONS TO DISMISS**

15 6. This section applies to *Thrivent Financial for Lutherans, et al. v.*
16 *Countrywide Financial Corporation, et al.*, Case No. 11-CV-07154-MRP (MANx)
17 ("*Thrivent*").

18 7. The parties acknowledge that Defendants' motions to dismiss *Thrivent*
19 have been partially briefed.

20 8. The parties agree that each Defendant may either (i) submit a brief
21 supplementing its motion to dismiss of up to 10 pages or (ii) withdraw its pending
22 motion papers and re-file motion papers with a brief no longer than the word count
23 of the brief that it previously filed.

24 9. Defendants shall serve and file their supplemental briefs or motion
25 papers no later than November 4, 2011. The parties agree to confer within 5
26 business days after the filing of the supplemental briefs or motion papers regarding
27 the page limits applicable to the opposition papers and reply papers.

10. Plaintiffs shall serve and file their opposition papers no later than December 15, 2011.

11. Defendants shall serve and file their reply papers no later than January 12, 2012.

12. The hearing on Defendants' motions to dismiss shall be on January 26, 2012, together with the hearing on Defendants' motions to dismiss in *Dexia* (if not remanded).

CASES WITH UNBRIEFED MOTIONS TO DISMISS

13. This section applies to *Putnam Bank v. Countrywide Financial Corporation*, No. 11-CV-04698-MRP (MANx) ("*Putnam*"), *Bankers Insurance Company, et al. v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-07152-MRP (MANx) ("*Bankers*"), *Sterling Federal Bank, F.S.B. v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-07163-MRP (MANx) ("*Sterling*"), *Western and Southern Life Insurance Company, et al. v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-07166-MRP (MANx) ("*WSLIC*"), and *American Fidelity Assurance Company v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-07167-MRP (MANx) ("*AFAC*").

14. The parties propose that motions to dismiss the *Putnam*, *Bankers*, *Sterling*, *WSLIC*, and *AFAC* matters be briefed in the following coordinated manner:

- a. Plaintiffs in *WSLIC* shall serve and file their amended complaint no later than November 7, 2011.
- b. Defendants shall serve and file any consolidated motions to dismiss addressing arguments for dismissal of the claims in *Putnam*, *Bankers*, *Sterling*, *WSLIC*, and *AFAC* based on jurisdiction, venue, and the applicable statutes of limitations and repose no later than December 7, 2011.

- 1 c. Plaintiffs shall serve and file any opposition papers to the
2 consolidated motions to dismiss claims in *Putnam, Bankers,*
3 *Sterling, WSLIC,* and *AFAC* based on jurisdiction, venue, and the
4 applicable statutes of limitations and repose no later than January
5 13, 2012.
- 6 d. Defendants shall serve and file consolidated reply papers in support
7 of the consolidated motions to dismiss claims in *Putnam, Bankers,*
8 *Sterling, WSLIC,* and *AFAC* based on jurisdiction, venue, and the
9 applicable statutes of limitations and repose no later than February
10 3, 2012.
- 11 e. The hearing on Defendants' consolidated motions to dismiss the
12 federal law claims in *Putnam, WSLIC* and *AFAC* based on the
13 applicable statutes of limitations and repose shall be on February 13,
14 2012.
- 15 f. The hearing on Defendants' consolidated motions to dismiss in
16 *Putnam, Bankers, Sterling, WSLIC,* and *AFAC,* based on jurisdiction
17 and venue and, with respect to the state law claims, based on the
18 applicable statutes of limitations and repose shall be on February 14,
19 2012.
- 20 g. In the event the Court adopts this proposal for staggered briefing,
21 Defendants' motions to dismiss will be considered a single motion
22 under Federal Rule of Civil Procedure 12 such that, by filing
23 motions to dismiss addressing only jurisdiction, venue, and whether
24 Plaintiffs' federal and state law claims are barred by the applicable
25 statutes of limitations and repose, Defendants do not waive, but
26 expressly preserve, any and all arguments and defenses.
27 Accordingly, if any claims remain after the Court's disposition of
28

1 the motions to dismiss based on jurisdiction, venue and the
2 applicable statutes of limitations and repose, the parties shall confer
3 on a further briefing schedule for the remaining grounds for the
4 motions to dismiss.

5 IT IS SO STIPULATED.

6
7 Dated: October 21, 2011

Defendants Countrywide Financial Corp.,
Countrywide Home Loans,
Inc., Countrywide Home Loan Servicing,
L.P., Countrywide Capital Markets, LLC,
Countrywide Securities Corp., CWALT,
Inc.; CWABS, Inc., CWHEQ, Inc., and
CWMBS, Inc., and N. Joshua Adler

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16 Dated: October 21, 2011

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Holdings Corporation, and BAC Home
Loans Servicing, L.P.

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14 Dated: October 21, 2011

Plaintiffs Bankers Insurance Company,
Bankers Life Insurance Company, First
Community Insurance Company, Bankers
Specialty Insurance Company, and Sterling
Federal Bank, F.S.B.

15
16
17
18 By their attorneys,

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1 Dated: October 21, 2011

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3 Thrivent Life Insurance Company, Thrivent
4 Balanced Fund, Thrivent Core Bond Fund,
5 Thrivent Income Fund, Thrivent Limited
6 Maturity Bondfund, Thrivent Balanced
7 Portfolio, Thrivent Bond Index Portfolio,
8 Thrivent Limited Maturity Bond Portfolio,
9 Thrivent Financial Defined Benefits Plan
10 Trust, Thrivent Financial For Lutherans
11 Foundation, Plaintiffs Dexia Holdings, Inc.,
12 FSA Asset Management LLC, Dexia Crédit
13 Local, New York Branch, New York Life
14 Insurance Co., New York Life Insurance
15 and Annuity Corp., The MainStay Funds,
16 MainStay VP Series Fund, Inc., Teachers
17 Insurance and Annuity Association of
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1 Dated: October 21, 2011

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Life Assurance Company, Columbus Life
Insurance Company, Integrity Life
Insurance Company, National Integrity Life
Insurance Company, Fort Washington
Investment Advisors, Inc. *on behalf of* Fort
Washington Active Fixed Income, LLC

5 By their attorneys,

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18 Dated: October 21, 2011

American Fidelity Assurance Company

19 By its attorneys,

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PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of 18 and not a party to the within action. My business address is 601 S. Figueroa Street, 41st Floor, Los Angeles, CA 90017.

On **October 21, 2011**, I served the following documents on the persons on the attached service list as follows:

STIPULATION REGARDING SCHEDULE FOR MOTIONS TO DISMISS PENDING CASES

- ☐ (MAIL) I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Boston, MA.
- ☒ (CM/ECF Electronic Filing) I caused the above document(s) to be transmitted to the office(s) of the addressee(s) listed above by electronic mail at the e-mail address(es) set forth above pursuant to Fed.R.Civ.P.5(d)(1). "A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as required by Fed.R.Civ.P.5(d)(1). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing pro se."

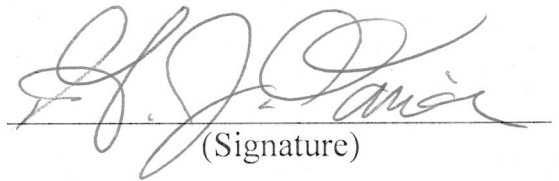
- 1 ☐ (EXPRESS MAIL) I placed the envelope for collection and mailing,
2 following our ordinary business practices. I am readily familiar with this
3 firm's practice for collecting and processing Express Mail for mailing. On
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6 Service, in a post office, mailbox, sub-post office, substation, mail chute, or
7 other like facility regularly maintained by the United States Postal Service
8 for receipt of Express Mail.
- 9 ☐ (OVERNIGHT DELIVERY) I deposited in a box or other facility regularly
10 maintained by Federal Express , an express service carrier, or delivered to a
11 courier or driver authorized by said express service carrier to receive
12 documents, a true copy of the foregoing document in sealed envelopes or
13 packages designated by the express service carrier, addressed as stated
14 above, with fees for overnight delivery paid or provided for.
- 15 ☐ (MESSENGER SERVICE) I served the documents by placing them in an
16 envelope or package addressed to the persons at the addresses listed and
17 provided them to a professional messenger service for service. A separate
18 Personal Proof of Service provided by the professional messenger service
19 will be filed under separate cover.
- 20 ☐ (FACSIMILE) Based on an agreement of the parties to accept service by
21 fax transmission, I faxed the documents to the persons at the fax numbers
22 listed. No error was reported by the fax machine that I used. A copy of the
23 record of the fax transmission, which I printed out, is attached.
- 24
25
26
27
28

1 ☐ (E-MAIL or ELECTRONIC TRANSMISSION) Based on a court order or
2 an agreement of the parties to accept service by e-mail or electronic
3 transmission, I caused the documents to be sent to the persons at the e-mail
4 addresses listed. I did not receive, within a reasonable time after the
5 transmission, any electronic message or other indication that the
6 transmission was unsuccessful.

7 I declare under penalty of perjury that I am employed in the office of a
8 member of the bar of this Court at whose direction this service was made and that
the foregoing is true and correct.

9 Executed on **October 21, 2011**, at Los Angeles, California.

10
11 Gareth James Oania
12 (Type or print name)


(Signature)

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